

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

November 27, 2007

DIVISION ONE

B195046 National Commercial Recovery Inc. (Not for Publication)
 v.
 Fresh Pic, Inc.

The judgment is reversed as to defendant Fresh Pic, Inc., and the matter is remanded for a new hearing on Fresh Pic's motion to vacate default. If the motion is again denied, the judgment against Fresh Pic that was filed on September 18, 2006, shall be reinstated. The parties shall bear their own costs on appeal.

Mallano, Acting P.J.

We concur: Vogel (Miriam A.), J.
 Jackson, J. (Assigned)

B197841 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Marcos C.
 Rosario S.

The order is affirmed.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.
 Jackson, J. (Assigned)

DIVISION ONE (continued)

B190333 Automated Switching & Controls, Inc. (Not for Publication)
v.
Fireman's Fund Insurance Company et al.

The judgment is reversed with respect to the trial court's ruling on the request by Fireman's Fund Insurance Company and National Surety Company for attorney fees in conjunction with the motion of Automated Switching & Controls, Inc., for reconsideration, and the matter remanded for the limited purpose of allowing the trial court to exercise its discretion on that issue. In all other respects, the judgment is affirmed. Fireman's Fund Insurance Company and National Surety Company are entitled to recover costs on appeal.

Mallano, Acting P.J.

We concur: Vogel (Miriam A.), J.
 Jackson, J. (Assigned)

DIVISION TWO

B195728 Stellar, et al. (Not for Publication)
v.
State Farm General Insurance Company

The judgment is affirmed. State Farm is entitled to recover its costs on appeal.

Doi Todd, Acting P.J.

We concur: Ashmann-Gerst, J.
 Chavez, J.

DIVISION TWO (continued)

B193446 Lopresto (Not for Publication)
v.
Red River Machinery, Inc.

The judgment of dismissal following the order granting Red River's motion to quash is affirmed. Red River is entitled to recover its costs on appeal.

Doi Todd, J.

We concur: Boren, P.J.
 Chavez, J.

B188951 People (Not for Publication)
v.
Ross

The judgment is affirmed.

Doi Todd, Acting P.J.

We concur: Ashmann-Gerst, J.
Chavez, J.

B198800 Los Angeles County, D.C.S. (Not for Publication)
v.
Jennell T. et al.

The orders terminating Mother's and Father's parental rights is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

DIVISION TWO (continued)

B194573 People
 v.
 Tiesha P.

Filed order denying petition for rehearing.

DIVISION FOUR

B198056 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Ana O., et al.

The orders denying the section 388 petitions without a hearing and the order terminating parental rights are affirmed.

Willhite, Acting P.J.

We concur: Manella, J.
 Suzukawa, J.

B196727 Sey (Not for Publication)
 v.
 Razavi et al.

The judgment is reversed as to the cause of action for sexual harassment based on a hostile work environment. As to the remaining causes of action, the judgment is affirmed. On remand, the trial court is to enter summary adjudication in favor of defendants on all of plaintiff's claims, except for her claim for sexual harassment based on a hostile work environment. Costs on appeal are awarded to appellant.

Willhite, J

We concur: Epstein, P.J.
 Suzukawa, J.

DIVISION FOUR (continued)

B179430 People
 v.
 Lopez

Filed order denying petition for rehearing.

DIVISION SIX

B196200 People (Not for Publication)
 v.
 Massey

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

B194107 People (Not for Publication)
 v.
 Clifton

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
 Perren, J.

DIVISION SIX (continued)

B189709 Ross (Not for Publication)

v.
Gandolfo

We reverse the trial court's ruling that appellants are barred from bringing any subsequent legal action against respondents. We affirm its denial of respondents' motion to vacate appellants' dismissal without prejudice and enter the dismissal with prejudice. Costs on appeal are awarded to appellants.

Coffee, J.

We concur: Gilbert, P.J.
 Perren, J.

B191255 People (Not for Publication)

v.
Nevarez

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

B188201 Mathis (Not for Publication)

v.
Treise

The judgment is affirmed. Respondent to recover costs on appeal.

Gilbert, P.J.

We concur: Yegan, J.
 Perren, J.

November 27, 2007 (Continued)

DIVISION EIGHT

Court convened at 9:00 a.m.

Present: Cooper, P.J., Rubin, J., Flier, J., Egerton, J. (Assigned) and Emma Jean Amos, Deputy Clerk.

Each of the following:

B193989 People v. Milam

B198298 DCFS v. Keith W.

B198361 DCFS v. Monique B.

B196956 People v. Johnson

B195184 People v. Trejo

Argument waived, cause submitted.

B194189 Stiebinger
 v.
 Allen et al.,

Appearances:

Robert Scuderi appeared for appellant and argument previously waived by respondent, E. Clint Allen. Argument waived, cause submitted.

B190168 Russell
 v.
 Foglio

Merits:

Argued by Edwin McPherson and Tracy Rone for appellant and by Evan S. Cohen for respondent. Cause submitted.

DIVISION EIGHT (continued)

B192828 Taheri Law Group, APC
v.
Evans

Appearances:

Neil Evans appeared for appellant and no appearance by counsel for respondent. Argument waived, cause submitted.

B197309 Hahn
v.
Superior Court, Los Angeles County
(Rothman et al., r.p.i.)

Merits:

Argued by Richard Marcus for petitioner and by Kristen E. Green and William Ramsey for real parties in interest. Cause submitted.

Rubin, J. left the bench.

B197958 Asuncion
v.
Krog et al.,

Merits:

Argued by R. David DiJulio for appellants and by Joel R. Bander for respondent. Cause submitted.

Rubin, J. returned to the bench.

Flier, J. left the bench.

DIVISION EIGHT (continued)

B188067 Persson
B190689 v.
Smart Inventions, Inc. et al.,

Merits:
Argued by Stephen R. Mick for defendants, appellants and respondents and
by Adela Carrasco for plaintiff, respondent and appellant. Cause
submitted.

Court recessed.

Court reconvened at 1:23 p.m.

Present: Cooper, P.J., Rubin, J., Flier, J., Egerton, J. (Assigned) and Emma Jean Amos,
Deputy Clerk.

B197189 The People
v.
Superior Court, Los Angeles County
(Brooks, r.p.i.)

Merits:
Argued by Jessica Goulden, Deputy District Attorney for petitioner and by
Albert J. Menaster, Deputy Public Defender for real party in interest.
Cause submitted.

B194605 Gilmer
v.
Ellington

Merits:
Argued by Edward Baughan for appellant and by J. Jackson Briscoe for
respondent. Cause submitted.

Rubin, J. left the bench.

DIVISION EIGHT (continued)

B190318 Canister
 v.
 Emergency Ambulance Services, Inc.,

Merits:
Argued by Ted Pelletier for appellant and by Adam James for respondent.
Cause submitted.

B193863 Kuist
 v.
 Hodge et al.,

Merits:
Argued by Steven G. Madison for appellants and by Richard Burbidge for respondent and by Hillel Chodos for respondent. Cause submitted.

B195663 Kuist
 v.
 Bedrosian

Merits:
Argued by Hillel Chodos for appellant and by Don Mike Anthony for respondent. Cause submitted.

B194069 Boe & Associates
 v.
 MGA Entertainment

Oral argument continued to January 29, 2008, at 1:00 p.m.

B197404 People
 v.
 Gonzalez

Oral argument continued to February 28, 2008, at 1:00 p.m.

DIVISION EIGHT (continued)

B192531 James Doe I et al.,
v.
Archbishop

Matter taken off calendar.

Court adjourned.

[illegible]

The judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.
Rubin, J.

B192314 People (Not for Publication)
v.
Hicks,

The judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.
Flier, J.

DIVISION EIGHT (continued)

B196709 L.A. County DCFS (Not for Publication)
 vs.
 Veronica C. et al.,

The order terminating parental rights is reversed and the matter is remanded to the juvenile court with directions to order DCFS to comply with the notice provisions of ICWA and to file all required documentation with the juvenile court for the court's inspection. If, after proper notice, a tribe claims a child is an indian child, and seeks to intervene in the juvenile court proceedings, the juvenile court is directed to vacate its prior orders and conduct all proceedings in accordance with ICWA, section 360.6 and rule 5.664 of the California Rules of Court. On the other hand, if no tribe claims the children are Indian or seeks to intervene, the order terminating parental rights is to be reinstated. In all other respects, the orders appealed from are affirmed.

Cooper, P.J.

We concur: Rubin, J.
 Flier, J.

B187173 Miller et al.,
B191349 v
 American Greetings Corp., et al.,

Filed order vacating submission order of August 28, 2007. The case will be rescheduled for further argument.

B190535 People
 v.
 Clemons

Filed order vacating submission order of August 29, 2007. Counsel is requested to file supplemental letter briefs (Govt. Code, sec. 68081.). The matter will be submitted when the last brief is filed.